

IN THE UNITED STATES DISTRICT COURT
FOR THE NOTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

United States of America

versus

Shannon Bradley

Criminal Action:
1:14-CR-441-ELR-AJB

Motion to Suppress Warrantless Search of Storage Unit

COMES NOW the Defendant, Shannon Bradley, by and through undersigned counsel, and hereby moves this Court to suppress the result of a warrantless search of Mr. Bradley's storage closet at 3325 Piedmont Avenue. In support of this motion, Mr. Bradley offers the following:

Shannon Bradley's condominium was searched pursuant to a search warrant issued by a Magistrate in Cobb County on August 21, 2013. In the warrant, the place to be searched is described as 3325 Piedmont Avenue, Unit 1405. However, the search warrant return lists items seized from a 15th floor storage closet. Mr. Bradley seeks to suppress the items seized from the storage closet as not being covered by the warrant.

Discussion of Authority

The Fourth Amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Fourth Amendment to the United States Constitution (1789).

The Supreme Court has held that, “The ultimate touchstone of the Fourth Amendment is ‘reasonableness.’” *Brigham City v. Stuart*, 547 U. S. 398, 403 (2006). “Where a search is undertaken by law enforcement officials to discover evidence of criminal wrongdoing, . . . reasonableness generally requires the obtaining of a judicial warrant.” *Vernonia School Dist. v. Acton*, 515 U. S. 646, 653 (1995). Such a warrant ensures that the inferences to support a search are “drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime.” *Johnson v. United States*, 333 U. S. 10, 14 (1948).

“[S]earches conducted outside the judicial process, without prior approval by a judge or magistrate, are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.” *Katz v. United States*, 389 U.S. 347, 357 (1967). See also *Kentucky v. King*, 563 U.S.

____ (2011). Thus, where a search is conducted without a warrant, the prosecution bears the heavy burden of proving the facts that justify the search under one of the recognized exceptions. *United States v. Jeffers*, 342 U.S. 48, 51 (1951).

To the extent that the Government would contend that the search warrant for Mr. Bradley's apartment authorized a search of a storage closet on another floor, we would note that the Eleventh Circuit has long held that, "If an objective reading of the description contained on the face of the warrant did not fairly direct attention to the place actually searched, we would be compelled to hold the search illegal without further discussion." *United States v. Haydei*, 649 F.2d 1152, 1157 (5th Cir.1981).

CONCLUSION

WHEREFORE we pray that the Court set an evidentiary hearing at which Mr. Bradley can challenge the warrantless search of the storage unit and afterwards permit briefing of the issue. Once briefing is complete, we pray the Court grant this motion.

Dated this 5th day of May, 2015.

Respectfully submitted,

V. Natasha Perdew Silas

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Georgia Bar Number 571970

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 5th day of May, 2015.

V. Natasha Perdew Silas